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| RURAL COMMUNITY INSURANCE SERVICES |) | AGBCA No. 99-107-F |
| (James T. Smith), _____ |) | |
| |) | |
| Appellant |) | |
| |) | |
| Representing the Appellant: |) | |
| |) | |
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DECISION OF THE BOARD OF CONTRACT APPEALS

 March 1, 1999

OPINION BY ADMINISTRATIVE JUDGE ANNE W. WESTBROOK

This appeal arises out of a Standard Reinsurance Agreement (SRA) between the Federal Crop Insurance Corporation (FCIC or Government) and Rural Community Insurance Services (Rural or Appellant) of Anoka, Minnesota. The appeal arises out of a final administrative determination of September 11, 1998, by the Deputy Administrator, Risk Compliance Division, Risk Management Agency in Compliance Case No. SA-EFCA-191. At issue was whether Rural was liable for indemnity overpayments to the insured (James T. Smith) for the 1993 and 1994 crop years and for premium overstatement for the crop year 1994 because the insured did not own the land or have an insurable interest in the crops. The Deputy Administrator found that the insured was not landlord, tenant or owner-operator and thus did not have an insurable interest during either crop year.

On October 28, 1998, Appellant filed a timely notice of appeal with the Board. The Board has jurisdiction over this matter pursuant to regulations (7 C.F.R. §§ 24.4 and 400.169(d)).

The parties filed pleadings and submitted an Appeal File and supplement. Thereafter on January 22, 1999, the FCIC filed a Motion for Summary Judgment. By letter dated February 1, 1999, Appellant sought to withdraw its appeal and requested that it be dismissed with prejudice.

DECISION

In accordance with the request of Appellant, the appeal is dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
March 1, 1999